

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: § **Case No. 08-31630**
§
POSITIVE HEALTH MANAGEMENT, § **Chapter 7**
INC., §
§
Debtor.

AFFIDAVIT OF KIRK A. KENNEDY

STATE OF TEXAS §
§
COUNTY OF HARRIS §

Kirk A. Kennedy, upon first being duly sworn, and pursuant to Rule 2014 of the Bankrupt Rules, deposes and states:

“I am over the age of eighteen (18) years of age, and am competent to testify to the matters set forth herein. I am admitted to practice law in Texas.

“ I am the proposed special counsel for Randy W. Williams, trustee, of the estate of the above named Debtor. I am making these disclosures as required by Fed. R. Bankr. P. 2014. The Trustee proposes to employ me as special counsel to examine transfers of property to Priority Healthcare and pursue legal action against Priority Healthcare if necessary; assist with recovery of assets; prosecution of chapter 5 causes of action; review of post-petition transfers; and other legal tasks as assigned.

“My employment would be in the best interest of the estate based on my familiarity with the background of this case and those parties involved. I have no connection with the Debtor, creditors or any other party in interest, their respective attorneys and accountants, the United

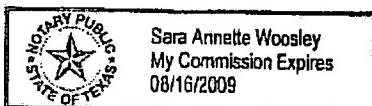
States Trustee, or any person employed in the office of the United States Trustee, *except* that I am the managing director for Bankruptcy Tranding & Investments, LLC, which is a creditor in this case by assignment from Texas Capital Bank and has a judgment against the Debtor's former President Ron Ziegler. The scope of my employment does not extend to matters involving Bankruptcy Tranding & Investments, LLC's claim.

"I believe that I am a "disinterested person" within the meaning of 11 U.S.C. 101(14)."

Kirk A. Kennedy

Kirk A Kennedy
The Kennedy Law Firm
P.O. Box 75281
Houston, TX 77234

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 23rd day of April, 2009.



Sara Annette Woosley
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS